

Case 3:12-cv-00507-PLR-HBG Document 13 Filed 11/30/12 Page 1 of 3 PageID #: 191

the scope of his supervisory duties and thus cannot, as a matter of law, give rise to individual aiding and abetting liability.

4. Plaintiff's claims against Hart for retaliation under Tenn. Code Ann. § 4-21-301(1) are subject to dismissal because Hart's actions were within the scope of his supervisory duties and thus cannot, as a matter of law, give rise to individual liability for retaliation.

In support of this motion, Hart relies upon the contemporaneously submitted memorandum of law.

Respectfully submitted this 30th day of November, 2012.

/s/ Edward G. Phillips

Edward G. Phillips (BPR #6147)

Betsy J. Beck (BPR #022863)

Kramer Rayson LLP

First Tennessee Plaza

800 South Gay Street, Suite 2500

Knoxville, Tennessee 37929

Phone (865) 525-5134 ext. 125

Fax (865) 522-5723

Attorneys for Defendant Dave Hart

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Edward G. Phillips